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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,994	02/19/2004	Mark Trabbold	D0932-00426	5329

8933 7590 11/10/2005

DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER

GOFMAN, ANNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/781,994	TRABBOLD ET AL.	
	Examiner	Art Unit	
	Anna Gofman	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 62-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/04;09/04;10/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-61 in the reply filed on October 26, 2005 is acknowledged. Claims 62-89 are withdrawn from further consideration as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 12-14, 19-23, 26-39, 43-45, 50-53, and 56-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajander et al. (US 2003/0008586).

Kajander et al. teach a nonwoven mat laminate of one or more layers, comprising an essentially formaldehyde free binder, which consists of fibers, bonded together with said binder (pg.1 col.2 paragraph 0008). Although Kajander et al. teach that the binder is aqueous, it is heated so that the water is removed (pg.2 col.1 paragraph 0014). Thus, the resulting product is a non-liquid binder. The laminate consists of a nonwoven web comprising said fibers (pg.2 col.1 paragraph 0014) of rayon, polyester, or polyethylene (pg.2 col.2 paragraph 0020). The fibers consist of glass as well as other fibers such as cellulosic fibers and wood fibers (pg.2 col.2 paragraph 0020). The diameters of said

glass fibers are in the range of about 6 to 23 microns and have an average fiber length of about 0.25 to 1.25 inches (pg.2 col.2 paragraphs 0018 and 0019, respectively). The binder also comprises bi-component polymeric fibers, which consist of a polyester core covered with a sheath of polyethylene (pg.1 col.2 paragraph 0010), which is inherently a thermoplastic material. Further, the sheath material inherently has a lower melting point temperature than that of the core material. On page 3 col. 2 paragraph 0030, Kajander et al. disclose that said mat has a density of 45 pounds per cubic foot, implying a uniform density throughout the laminate and having a weight of 1.7 pounds/100 square feet, or 83 gm/square meters. Thus, claims 1-8, 12-14, 19-23, 26-39, 43-45, 50-53, and 56-61 are rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 24-25, 46, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander et al. in view of Jaffee (US 2004/ 0266304).

The features of Kajander et al. have been set forth above. Kajander et al. teach a formaldehyde-free nonwoven fibrous mat but fail to disclose bi-component fibers comprising a core of mineral fibers, an anti-microbial agent as well as a water resistant additive of epoxy foam, acrylic or asphalt. Jaffee is drawn to non-woven glass fiber mat

laminates. Jaffee teaches non-woven mat comprising a binder of glass or mineral fibers (pg.4 col.1 paragraph 0032), bound together with a water resistant binder of acrylic (pg.4 col.1 paragraph 0033), as well as materials such as biocide, which resist fungal growth (pg.4 col.2 paragraph 0037). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include mineral fibers in the binder taught by Kajander et al. The motivation would have been to provide strength and insulation to the core (pg.1 col.1 paragraph 0006). Further, it would have been obvious to one having ordinary skill in the art to use acrylic as the water repelling materials taught by Kajander et al. The motivation would have been to provide further insulation as well as excellent water repellency (pg.4 col.1 paragraph 0034). Thus, claims 15, 24-25, 46, and 54-55 are rejected.

Claims 9-11, 17-18, 40-42, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander et al. in view of Tutin et al. (US 2004/ 0038017).

The features of Kajander et al. have been set forth above. Kajander et al. is silent about the weight percent of the formaldehyde-free binder and the density of the insulation. Tutin et al. is drawn to formaldehyde-free insulation binders containing glass fibers. Tutin et al. teach that the binder component can be present in an amount of 5-20 weight percent (paragraph 0045). Tutin et al. teach that such insulation can have a density of 1-40 pounds per cubic foot. (paragraph 0060). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the insulation of Kajander et al. so that it comprised the binder weight percent and the density taught by Tutin et al., motivated by the teaching of Tutin et al. that these values

produce a suitable insulation product. Thus, claims 9-11, 17-18, 40-42, and 48-49 are rejected.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In addition to the references provided by Applicant, the following documents are considered pertinent to Applicant's invention:

Knapp et al (US 5,685,938) teach a process for making a blanket of mineral fibers used for insulation. Knapp et al. fail to disclose an antimicrobial ability.

Fay et al. (US 2004/0185226) teach a formaldehyde-free fiberglass insulation assembly, using mineral fibers, which may improve fungi growth resistance but do not teach an ability to resist water permeability.

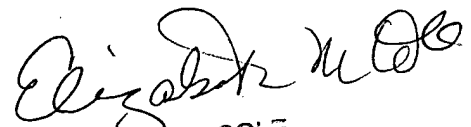
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Gofman whose telephone number is (571) 272-7419. The examiner can normally be reached on Mon.-Fri. 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anna Gofman
Examiner
Art Unit 1771

AG


ELIZABETH M. CONE
PRIMARY EXAMINER